HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH: Hon'ble Shri S.R. Nayak, CJ

Writ Petition No. 1486 OF 2005

PETITIONERS

1. Ganesh Singh Bisen, S/o Late Bhrigu Nath Singh, aged about 40 years, R/o Kududand, Bilaspur, Tahsil & District Bilaspur (C.G.)

2. Fasahat Ali, S/o Late Mansab Ali, aged about 42 years, R/o Kududand Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

3. Prabhakar Rao, S/o Shri Raghunath Rao, aged about 50 years, R/o Indrasen Nagar, 27 Kholi, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

4. Rakesh Chaturvedi, S/o Late Babu Lal, aged about 32 years, R/o Pani Tanki, Gayatri Mandir Chowk, Kududand, Bilaspur (C.G.)

5. Smt. Rajni Bai, Wd/o Late Bhrigu Nath Singh, Aged about 70 years, R/o Indrasen Nagar, 27 Kholi, Bilaspur (Chhattisgarh)

6. Madan Rao, S/o Raghunath Rao, aged about 40 years, R/o Pani Tanki, Gayatri Mandir Chowk, Kududand, Bilaspur (C.G.)

7. Santosh Bajpai, S/o Shri Ramkrishna Bajpai, Aged about 30 years, R/o Kududand, Bilaspur (C.G.)

8. Abdul Hamid, S/o Abdul Manzoor, aged about 60 years, R/o Harijan Mohalla Kududand, Bilaspur (C.G.)

9. Basant Yadav, S/o Late Ghasi Ram Yadav, aged about 50 years, R/o Indrasen Nagar, 27 Kholi, Bilaspur (Chhattisgarh)

10. Chhedi Lal Sahu, S/o Late Chungu Ram, aged about 50 years, R/o Indrasen Nagar, 27 Kholi, Bilaspur,

Tahsil & District, Bilaspur (Chhattisgarh)

11. Hori Lal Sahu, S/o Late Govardhan Prasad, aged about 50 years, R/o Indrasen Nagar, 27 Kholi, Bilaspur, Tahsil & District, Bilaspur (Chhattisgarh)

12 Dinesh Rao, S/o Dinkar Rao Aged about 40 years, R/o Pani Tanki, Kududand, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

13. Devi Prasad, S/o Late Shri Jageshwar Prasad, aged 40 years, R/o Shiv Mandir Kududand, Bilaspur, Tahsil & District Bilaspur (C.G.)

14. Surendra Singh, S/o Raj Kishore Singh, aged about 30 years, R/o Indrasen Nagar, 27 Kholi, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

15. Suresh Singh, s/o Raj Kishore Singh, aged about 28 years, R/o Indrasen Nagar, 27 Kholi, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

16. Lallu Yadav, S/o Sanai Yadav, aged about 36 yrs, R/o Pani Tanki, Gayatri Mandir Chowk, Kududand, Bilaspur Tahsil & District Bilaspur (Chhattisgarh)

17. Ram Das Manikpuri, S/o B.D. Manikpuri, aged 32 yrs R/o Gayatri Mandir Chowk, Kududand, Bilaspur (C.G.)

18. Jitendra Singh, S/o Late Late Baijnath Singh, aged 45 years, R/o 27 Kholi Vikas Nagar, Bilaspur, Tah & District Bilaspur (C.G.)

19. Parmeshwar Sriwas, S/o Late Arjun Sriwas, aged about 52 years, R/o Village- Ghuru Tahsil & Distt. Bilaspur (C.G.)

20. Girja Yadav, S/o Shokilal Yadav, aged about 40 yrs, R/o Gayatri Mandir Chowk, Kududand, Bilaspur, Tahsil &

District Bilaspur (C.G.)

21. Ram Swaroop Sahu, S/o Mohan Lal Sahu, Aged 30 years, R/o Chingrajpara, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

22. R. Ganesh Iyer, S/o Late R.T. Raju, aged about 44 years, R/o Mungeli Naka, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

23. Surendra Tiwari, S/o Shiv Bhagwan, aged about 42 years, R/o Near BJP Office Karbala, Bilaspur, Tahsil & District Bilaspur (C.G.)

24 Lawrence Joseph, S/o Joseph Moorti Appa, aged about 35 years, R/o Vikas Nagar, Bilaspur, Tahsil & District Bilaspur (C.G.)

25. Satyanarayan Singh, S/o Late Rajpati Singh, aged 40 years, R/o 27 Kholi Vikas Nagar, Bilaspur, Tah. & District Bilaspur (C.G.)

26. Sheikh Subrati, S/o Sheikh Mohammed, aged about 50 years, Resident of Musalmaan Mohalla, Kududand, Bilaspur, Tahsil & District Bilaspur (C.G.)

27. Raseed Khan, S/o Rehman Khan, aged about 50 years Pump House, Kududand Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

28. Motilal, S/o Late Baliram Sonkar, aged about 46 years, R/o Karbala, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

29. Sheikh Aziz, S/o Late Sheikh Chhotoo, aged 42 years, R/o Taarbahar Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

30. Wahid Hussain, S/o Shabbir Hussain, aged about 32 years, R/o Bandhawapara, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

31. Ravish Chand Patel, S/o Santram

Patel, aged about 30 years, R/o Mangla Rd., Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

32. Shiv Kumar Soni, S/o Late Itwari Soni, aged about 37 years, R/o Nehru Nagar, Ganesh Chowk, Bilaspur, Tahsil & Dist Bilaspur (CG)

33. Ishwari Prasad, S/o Late Jugutram, aged about 55 years, R/o Lingiyadih, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

34. Hafiz Khan, S/o Late Abdul Hameed, aged about 24 years, R/o Musalmaan Mohalla, Kududand, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

35. Raghunath Singh, S/o Late Udai Singh, aged about 46 years, R/o 27 Kholi Vikas Nagar, Bilaspur, Tah. & District Bilaspur (CG)

36. Tagendra Sriwas, S/o Baheran Sriwas, aged 42 years, R/o 27 Kholi Vikas Nagar, Bilaspur, Tah. & District Bilaspur (C.G.)

37. Hari Pradhan, s/o Shiv Singh Pradhan, aged 35 yrs R/o Gayatri Mandir Chowk, Kududand, Bilaspur, Tahsil & District Bilaspur (C.G.)

38. Naval Kishore, S/o Phool Singh Thakur, aged about 42 years, R/o Gondpara Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

39. Kishanlal Kaushik, S/o Late Durga Prasad Kaushik, Aged about 35 years, R/o 27 Kholi, Bilaspur, Tahsil & District Bilaspur (C.G.)

40. Maqsood Khan, S/o Wazir Khan, aged about 35 years R/o 27 Kholi, Bilaspur, Tah. & District Bilaspur (C.G.)

41. Shantilal Sahu, S/o Chhedi Lal Sahu, aged about 35 years, R/o Mungeli Naka Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

42. Omprakash Kesharwani, S/o Rajaram Kesharwani Aged about 45 years, R/o Kududand, Bilaspur, Tahsil & District Bilaspur (C.G.)

43. Jeevan Singh, S/o Late Sri Raghuraj Singh, aged about 57 years, R/o 27 Vikas Nagar, Bilaspur, Tahsil & Dist Bilaspur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh Through the Secretary, Department of Urban Administration, Mantralaya, DKS Bhawan, Raipur Raipur (Chhattisgarh)

2. Collector, District Bilaspur

3. Municipal Corporation, Bilaspur (CG) through its Commissioner, Municipal Corporation, Bilaspur (C.G.)

Present:

Shri Amrito Das, learned counsel for the petitioners.

Shri Yashwant Singh, learned Govt. Advocate for the State.

Shri Ashutosh Singh Kachhawaha, learned counsel for respondent No. 3.

ORAL ORDER

(Passed on 20th of January 2006)

Admittedly, the land with regard to which the complaint is made by the petitioners in this writ petition is the Government land. It is the case of the petitioners that in the year 1985-86 under the scheme floated by the local self Government through the Collector called as "step-up scheme", the petitioners were allotted temporarily structures/Gumatees and since then they have been carrying on small business in such Gumatees to earn their livelihood and abruptly they were sought to be evicted from the

Gumatees on the ground that the land is required for beautification of Bilaspur Municipal Corporation. It is alleged that the Commissioner of the Municipal Corporation of Bilaspur had assured the petitioners that they would be provided with Pakka structure/Gumatees at an established market area with better marketing facilities in Ganesh Chowk, Nehru Nagar. It is complained that as promised orally without providing alternative Gumatees in Ganesh Chowk, Nehru Nagar, the Corporation authorities high-handedly sought to evict the petitioners from the present Gumatees allotted to them under the "Step-up scheme"

(2) Nothing is placed before the Court except self-serving statement of the petitioners that the Municipal Corporation had given any assurance to the petitioners that they would be provided with alternative Gumatees in Ganesh Chowk, Nehru Nagar. Be that as it may, even assuming that the petitioners were assured by the Commissioner of Municipal Corporation, Bilaspur that they would be provided with Gumatees in Ganesh Chowk, Nehru Nagar, that circumstance itself without anything further would not invest any enforceable right to the petitioners to squat on the Government land which is required for the Municipal Corporation of Bilaspur for beautification of the city. In that view of the matter, the relief sought in the writ petition that the petitioners should not be evicted from the Gumatees allotted to them under "Step-up scheme" unless alternative Gumatees are made available to them in Ganesh Chowk, Nehru Nagar cannot be granted. In that view of the matter, I dismiss the writ petition. However, this order shall not come in the way of the petitioners from making any representation either to the State Government or to the Municipal Corporation of Bilaspur for providing

them some alternative Gumatees in Ganesh Chowk, Nehru Nagar or any other available places and if such representation is made, it is hoped and trusted that their request would be favourably considered by the State Government and the Municipal Corporation of Bilaspur. No costs.

Sd/-
Chief Justice

Brajesh